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ORDER

PARKROAD CORPORATION,

Defendant.

GERARD E. LYNCH, <u>District Judge</u>:

On November 7, 2008, this Court entered an Order directing the Clerk of the Court to issue a Process of Maritime Attachment and Garnishment on various financial institutions in the amount of \$5,055,400.00 pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure. By Order dated March 25, 2009, the Court ordered plaintiff to provide an initial "status report within 30 days as to whether any funds have been attached and whether arbitration or any other legal proceeding relating to the merits of the underlying dispute has commenced," and to provide a supplemental status report every 120 days thereafter. Plaintiff was warned that if it "fails to submit any of the above-required status reports, the Court may, in its discretion, vacate the Rule B Order of Attachment and dismiss the action for failure to prosecute."

By letter dated April 24, 2009, plaintiff informed the Court that it had both attached funds of the defendant and commenced proceedings on the underlying merits in Korea. 120 days have past and, to date, the Court has received no further communications from plaintiff regarding the status of this case.

Accordingly, plaintiff is directed to provide the Court with a written status report by the close of business on Wednesday, September 16, 2009. If it fails to do so by September 16, the order of attachment, along with the attachment and garnishment of all property will be vacated and the action dismissed, without prejudice and without costs.

SO ORDERED.

Dated: New York, New York September 9, 2009

> GERARD E. LYNCH United States District Judge